

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:16-cr-0150-TWP-DML
)	
CLIFFORD KIRKSEY-ROBINSON,)	
)	- 03
Defendant.)	

REPORT AND RECOMMENDATION

On November 23, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on November 18, 2021. Defendant Kirksey-Robinson appeared in person with his appointed counsel William Dazey. The government appeared by Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Phillips.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Kirksey-Robinson of his rights and provided him with a copy of the petition. Defendant Kirksey-Robinson orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Kirksey-Robinson admitted violation number 1. [Docket No. 196.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.”**

On November 1, and November 15, 2021, residential reentry center (RRC) staff requested the offender submit to a drug screen. He refused to provide a sample on both occasions.

4. The parties stipulated that:

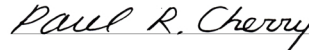
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 7 to 13 months’ imprisonment.

5. The parties jointly recommended a sentence of seven (7) months imprisonment with no supervised release to follow. Defendant requested placement at USP Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of four (4) months with no supervised release to follow/with supervised release to follow. The Magistrate Judge will make a recommendation of placement at USP Terre Haute. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 11/24/2021


Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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